

From: [Robert Neely](#)
To: [Ben Meyer](#); [Genevieve Angle](#)
Cc: [Nancy Munn](#); [Eric Blischke/R10/USEPA/US@EPA](#); [Mary Baker](#)
Subject: Re: management goals and programmatic consultation
Date: 08/05/2009 09:53 AM
Attachments: [robert_neely.vcf](#)

Hey Ben -- here's the proposed language from LWG on the habitat remedial action objective regarding consultation. Note that Eric is planning to finalize this document tomorrow. I'm copying him on this message. Let's chat.

Thanks,

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Erin Madden wrote:

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> I am wondering if NOAA agrees with the statement about programmatic
> consultation in management goal 3 of the draft final RAOs. The
> management goal says:
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> * *
>
> *Clean up contaminated sediments in a manner that promotes habitat
> that will support a healthy aquatic ecosystem and the conservation and
> recovery of threatened and endangered species. *
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> * *
>
> The goal is to ensure that sediment cleanup alternatives selected for
> the site consider the benefits of re-establishing ecological habitats
> in those areas remediated to support a diverse ecosystem. Sediment
> remedial actions must comply with ARARs, including the Clean Water Act
> compensatory mitigation and Section 404(b)(1) analysis and the
> Endangered Species Act. Other potential ARARs may include the Marine
> Mammal Protection Act and/or Migratory Bird Treaty Act. The need for
> habitat mitigation in conjunction with the remedial action
> alternatives will be evaluated for each detailed sediment cleanup
> alternative in the FS under the long term effectiveness and compliance
> with ARARs criteria and cost estimate analysis. For each detailed
> alternative, the FS will evaluate reasonably anticipated future land
> use with respect to habitat, including potential restoration
> activities under the Natural Resource Damages Assessment process. The
> FS will also clearly describe the degree to which habitat mitigation
> needs to be included to meet substantive requirements of potential
> ARARs. To support this evaluation the LWG is seeking a programmatic
> approach to addressing ESA issues with NOAA (including a programmatic
> consultation) to help appropriately define the habitat impacts from
> remediation and types of desirable mitigation and other reasonable and
> prudent measures. A programmatic approach would support a more
> comprehensive and integrated watershed evaluation to promote the
> conservation of species. For each detailed alternative, the FS will
> clearly describe whether habitat mitigation needs to be included to
> meet the substantive requirements of potential ARARs. This does not
> include evaluation of any potential or needed habitat restoration
> activities under the NRDA provisions of CERCLA, the Clean Water Act,
> and the Oil Protection Act (OPA).
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> erin

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